

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 13389 of 2005

Between:

- 1 Komaravelli Prabhakar, S/o.Nagabhushanam,
R/o.Paripally Street, Siddipet, Town,
Medak District.
- 2 Komaravelli Sudhakar, S/o.Nagabhushanam,
R/o.Paripally Street, Siddipet, Town,
Medak District.
- 3 Komaravelli Vidya Sagar, S/o.Nagabhushanam,
R/o.Paripally Street, Siddipet, Town,
Medak District.
- 4 Komaravelli Lakshmi Narayana, S/o.Rajesham,
R/o.Paripally Street, Siddipet, Town,
Medak District.

..... PETITIONERS

AND

- 1 The District Collector, Medak District

at Sangareddy.
- 2 The Commissioner, Municipal Council,

Siddipet, Medak District.
- 3 The Executive Engineer, R&B Department,

Siddipet, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially writ of mandamus declaring the action of the Respondents in seeking to demolish the premises bearing No.7-1-3 of petitioner No.1, Premises No.6-1-117 of petitioner No.2, premises bearing No. 7-1-4 belonging to petitioner No.3 and premises No.7-3-27 belonging to the petitioner NO.4 situated at Main Road, Siddipet Town, Medak District as illegal, arbitrary, without jurisdiction, violative of Article

300-A of Constitution of India and also violative of principles of Natural justice and consequently hold that the Respondents are not entitled to demolish the same without due process of law, and pass such other or further orders as this Hon'ble court may deem fit and proper.

Counsel for the Petitioner: MR.M.MADHAVA REDDY

Counsel for the Respondent Nos.1 and 3: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

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This writ petition is filed seeking Writ of Mandamus, declaring the action of the respondents in seeking to demolish the premises of the petitioners bearing No.7-1-3, 6-1-117, 7-1-4, and 7-3-27 situated at Main Road, Siddipet Town, Medak District, without initiation of proceedings under Land Acquisition Act and without following the due process of law, as illegal and arbitrary.

Heard the learned counsel appearing for the petitioners and the learned standing counsel appearing for the 2nd respondent/Municipality.

The learned counsel for the petitioners contended that the petitioners are the absolute owners of the premises bearing No.7-1-3, 6-1-117, 7-1-4, and 7-3-27 situated at Main Road, Siddipet Town, Medak District, and they have not encroached any Government site. It is their further contention that without initiating land acquisition proceedings, and without issuing any notice, the respondents are trying to demolish their premises in the process of road widening.

On the other hand, the learned counsel for the 2nd respondent contended that on mere apprehension only, the petitioners filed this writ petition, and the respondents have not been taken any steps for demolition of premises of the petitioners.

The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and

attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to take any steps for demolition of premises of the petitioners without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioners.

The Writ Petition is, accordingly, disposed of. No order as to costs.

ELIPE DHARMA RAO,J

Dated: 22.06.2005

Dsr

Note:

Issue operative portion

by wire at party's costs.

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The District Collector,
Medak District at Sangareddy

2. The Commissioner,
Municipal Council,
Siddipet, Medak District

3. The Executive Engineer,
R&B Department,
Siddipet, Medak District

4. Two CCs to the Government Pleader
for Revenue, High Court Buildings,
Hyderabad (OUT)

5. Two CD copies

Form-NIC-OGS/WP{JA}